

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF TECHNICAL REGISTRATION

[R07-201]

1. **Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 30, Board of Technical Registration
Section numbers: R4-30-304; Appendix A; Appendix B
2. **The subject matter of the proposed rule:**
The Board has determined that requiring professional registrants to write or type in the date that their registration expires underneath their seal will assist the registrants with renewing their registration in a timely fashion.
3. **A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 13 A.A.R. 2139, June 22, 2007 (*in this issue*)
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: LaVern Douglas
Address: Board of Technical Registration
1110 W. Washington St., Ste. 240
Phoenix, AZ 85007
Telephone: (602) 364-4930
Fax: (602) 364-4931
E-mail: lavern.douglas@azbtr.gov
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written, oral, facsimile or e-mailed comments will be accepted from 8:00 a.m. to 5:00 p.m., Monday through Friday, at 1110 W. Washington St., Ste. 240, Phoenix, AZ 85007, for 30 days from the publication of the Notice of Proposed Rulemaking, or until the close of record, whichever is later.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
None

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ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION

[R07-182]

1. **Title and its heading:** 9, Health Services
Chapter and its heading: 22, Arizona Health Care Cost Containment System – Administration
Article and its heading: 2, Scope of Services
Section number: R9-22-216 (Sections may be added, deleted, or modified as necessary.)
2. **The subject matter of the proposed rule:**
The proposed rule is intended to clarify the reference to personal care services were this service is broader than assistance with bathing and grooming.
3. **A citation to all published notices relating to the proceeding:**
None
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Mariaelena Ugarte
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson, Mail Drop 6200

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Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSrules@azahcccs.gov

5. The time which the agency will accept written comments and the time and place where oral comments may be made:

The Administration will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

6. A timetable for agency decisions or other action on the proceeding, if known:

Filing of proposed rule is estimated to be completed in June 2007.

**NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
ARIZONA LONG-TERM CARE SYSTEM**

[R07-183]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 28, Arizona Health Care Cost Containment System – Arizona Long-term Care System
Article and its heading: 5, Program Contractor and Provider Standards
Section number: R9-28-506 (Sections may be added, deleted, or modified as necessary.)
- 2. The subject matter of the proposed rule:**
The 1115 Waiver Amendment approved by CMS in from October 2006 has authorized coverage of personal care services by a spouse of an ALTCS member in home and community based (HCBS) setting under certain circumstances. The proposed rule is intended to describe the requirements that must be met for a spouse to provide this care.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Mariaelena Ugarte
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSrules@azahcccs.gov
- 5. The time which the agency will accept written comments and the time and place where oral comments may be made:**
The Administration will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
Filing of proposed rule is estimated to be completed in June 2007.

**NOTICE OF RULEMAKING DOCKET OPENING
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
CHILDREN'S HEALTH INSURANCE PROGRAM**

[R07-184]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 31, Arizona Health Care Cost Containment System – Children's Health Insurance Program
Article and its heading: 2, Scope of Services; 16, Services for Native Americans

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Section numbers:

R9-31-216, R9-31-1614 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rule:

The proposed rule is intended to clarify the reference to personal care services were this service is broader than assistance with bathing and grooming.

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Mariaelena Ugarte
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSrules@azahcccs.gov

5. The time which the agency will accept written comments and the time and place where oral comments may be made:

The Administration will accept written comments Monday through Friday, 8:00 a.m. to 5:00 p.m., at the address indicated in item #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

6. A timetable for agency decisions or other action on the proceeding, if known:

Filing of proposed rule is estimated to be completed in June 2007.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF PUBLIC SAFETY
TOW TRUCKS

[R07-185]

1. Title and its Heading:

13, Public Safety

Chapter and its heading:

3, Department of Public Safety – Tow Trucks

Article and its heading:

2, Tow Truck Permits; 9, Tow Truck Registration and Annual Tow Truck Compliance Inspection
R13-3-203 and R13-3-902

Section numbers:

2. The subject matter of the proposed rule:

This rulemaking is authorized by A.R.S. § 28-1108(D). The rulemaking is being initiated to improve efficiency by changing in-service inspections from an annual to random basis. Inspection requirements for tow trucks entering service or changing ownership would be unaffected.

The agency docket number, if applicable:

Not applicable

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Sergeant Paul M. Forch
Address: Arizona Department of Public Safety
Tow Truck Unit, Mail Drop 1250
P.O. Box 6638
Phoenix, AZ 85005-6638
Telephone: (602) 223-2315
Fax: (602) 223-2918
E-mail: pforch@azdps.gov

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

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Written comments: Written comments, including e-mail, may be submitted to Sergeant Paul Forch, Supervisor of the Department's Tow Truck Unit, at the address listed in item #4.

Oral comments: 8:00 a.m. to 2:00 p.m. Monday through Friday at
Arizona Department of Public Safety
Commercial Vehicle Enforcement Bureau, Tow Truck Unit
2102 W. Encanto Blvd.
Phoenix, AZ 85005

A public meeting will be scheduled in the Notice of Proposed Rulemaking. Written and oral comments will be accepted until the close of record following adjournment of the public meeting.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be determined

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INDUSTRIAL COMMISSION OF ARIZONA

[R07-181]

1. Title and its heading:

20, Commerce, Financial Institutions, and Insurance

Chapter and its heading:

5, Industrial Commission of Arizona

Articles and their heading:

12, Arizona Minimum Wage Act Practice and Procedure

Section numbers:

R20-5-1201 through R20-5-1220 (Sections may be added, deleted, or modified as necessary.)

2. The subject matter of the proposed rules:

On November 7, 2006, the Arizona voters approved Proposition 202, referred to as the "Raise the Arizona Minimum Wage for Working Arizonans Act," ("Act"). On December 4, 2006, the Arizona Secretary of State certified the election results by signing the Official Canvas of the general election. Under A.R.S. § 23-364(A), which became effective January 1, 2007, the Industrial Commission of Arizona ("Commission") is given the authority to enforce and implement the Act. Emergency rules promulgated in response to direction in A.R.S. § 23-364(A) became effective on January 25, 2007. These rules will replace the emergency rules currently in effect and will:

- a. Define relevant terms and identify non-exclusive factors for determining an employment relationship;
- b. Provide criteria for the calculation of minimum wage, including the treatment of commissions and tips;
- c. Implement the posting and recordkeeping requirements of the Act by specifying where notices shall be posted and how, and what, records are required to be kept for different classes of employees (e.g. employees receiving tips, employees working on a fixed schedule, and salaried employees who are exempt under 29 CFR 541);
- d. Establish requirements for the filing of administrative complaints, including applicable deadlines for minimum wage complaints and complaints of retaliation;
- e. Address hearing procedures under the Act, including the right to request to a hearing before a Commission Administrative Law Judge, the conduct of the hearing and the right to request review or rehearing;
- f. Address procedures for the collection of money, the assessment of civil penalties (including the assessment of penalties for engaging in conduct that hinders an investigation under the Act), and the informal resolution of disputes; and
- g. Provide a mechanism for a small employer (or class of small employers) to request relief from certain record keeping requirements.

The agency docket number, if applicable:

Not applicable

3. A citation to all published notices relating to the proceedings:

Notice of Emergency Rulemaking: 13 A.A.R. 473, February 16, 2007

Notice of Rulemaking Docket Opening: 13 A.A.R. 873, March 16, 2007

Notice of Proposed Rulemaking: 13 A.A.R. 2143, June 22, 2007 (*in this issue*)

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Nancy O. Johnson
Legal Division, Industrial Commission of Arizona

Address: 800 W. Washington St.
Phoenix, AZ 85007

Telephone: (602) 542-5948

E-mail: njohnson@ica.state.az.us

5. The time during which the agency will accept written comments and the time and place where oral comments may

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be made:

The Division will accept written comments at the locations listed in item #4 until the close of record, 5:00 p.m., July 26, 2007. The time and place of the oral proceeding can be found in the Notice of Proposed Rulemaking.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF INSURANCE

[R07-186]

- 1. Title and its heading:** 20, Commerce, Financial Institutions, and Insurance
Chapter and its heading: 6, Department of Insurance
Articles and their headings: 1, Hearing Procedures and Rulemaking Petitions
Section numbers: R20-6-101 through R20-6-116, and R20-6-160 (Sections may be added, deleted, or modified as necessary.)
- 2. Subject matter of the proposed rule:**
The director will propose rulemaking action on Article 1 in response to a five-year review submitted to the Governor's Regulatory Review Council. This rulemaking will improve the clarity, conciseness, and understandability of these Sections. The Department might also delete obsolete Sections and revise Sections to implement substantive changes as the Department determines necessary.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Margaret L. McClelland
Address: Department of Insurance
2910 N. 44th St., Ste. 210
Phoenix, AZ 85018
Telephone: (602) 364-3471
Fax: (602) 364-3470
- 5. The time during which written submission may be made and the time and place where oral comments may be made:**
The Department will accept written comments during a public comment period that will be noticed in the publication of the proposed rulemaking. The Department will schedule an oral proceeding, within the statutorily mandated time-frame, to be noticed in the *Arizona Administrative Register*.
- 6. A timetable for agency decisions or other action in the proceeding:**
The Department expects to file a Notice of Proposed Rulemaking by June 2007.